

# The Gazette of India

## EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

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No. 44 ] NEW DELHI, FRIDAY, NOVEMBER 29, 1957/AGRAHAYANA 8, 1879

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### RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 29th November, 1957:—

#### Bill No. VIII of 1957

*A Bill further to amend the Antiquities (Export Control) Act, 1947.*

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Antiquities (Export Control) Short title. Amendment Act, 1957.

31 of 1947. 2. In section 2 of the Antiquities (Export Control) Act, 1947 Amendment (hereinafter referred to as the principal Act), for clause (a), the of section 2. following clause shall be substituted, namely:—

“(a) ‘antiquity’ includes—

(i) any coin, sculpture, manuscript, epigraph, or other works of art or craftsmanship,

(ii) any article, object or thing detached from a building or cave,

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

(iv) any document, manuscript or record, whether it is or it is not of a public nature, but is of historical value and importance,

(v) any article, object or thing declared by the Central Government by notification in the official Gazette to be an antiquity for the purposes of this Act,—

which has been in existence for not less than one hundred years, provided that in the case of a document, manuscript or record referred to in sub-item (iv) above, it should have been in existence for not less than seventy-five years or is of national importance even though of more recent date;”.

Substitution  
of new sec-  
tion for sec-  
tion 6.

Power to  
determine  
whether or  
not an article  
is an anti-  
quity.

3. For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. If any question arises whether any article, object, thing or document is or is not an antiquity for the purposes of this Act, it shall be referred either to the Director General of Archaeology in India or the Director of National Archives of India, as the case may be, and his decision thereon shall be final.”

Amendment  
of section 7.

4. In section 7 of the principal Act—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the procedure for granting licence for the export of antiquities, and in the case of documents, manuscripts or records referred to in sub-clause (iv) of clause (a) of section 2, such rules may further prescribe that except where there is specific permission to the contrary, the originals of the same shall not be exported without copies being made thereof and deposited in an appropriate place as may be prescribed; and

(b) fix the fees payable on applications therefor.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.”.

## STATEMENT OF OBJECTS AND REASONS

The provisions in the Antiquities (Export Control) Act, 1947, have been found to be most inadequate to prevent the export of historical documents and records from this country. The term "antiquity" as now defined by the Act does not specifically cover historical documents, manuscripts and records. This Bill seeks to enlarge the said definition so as to specifically include in it historical documents and records which have been in existence for not less than seventy-five years, or are of national importance even though of more recent origin. In respect of documents, manuscripts or records, permitted to be exported under license, provision is also sought to be made in the Bill for copies thereof being made and deposited in an appropriate place before such permission is granted. The Bill also provides for reference being made to the Director of National Archives of India as the requisite competent authority to determine whether any document, manuscript or record should or should not be treated as antiquity for the purposes of this Act.

RAGHUBIR SINH.

### EXPLANATORY MEMORANDUM REGARDING DELEGATED LEGISLATION

When under any circumstances permission for the export of any historical document, manuscript or record has to be given, it is deemed essential that at least copies of the same should be available in the country even after the export of the original, and as such requisite direction is being given in clause 4(i) of this Bill to provide in the rules for the compulsory making and depositing of such copies in the prescribed appropriate place save when specific permission to the contrary has been granted.

The question of the requisite control of the export of the valuable objects of antiquarian or historical interest from this country is of vital importance and provision is therefore made in clause 4(ii) that the rules made under this Act be laid before both Houses of Parliament so that these will be subject to proper scrutiny of Parliament itself. The delegation of legislative power is thus of a normal type.

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S. N. MUKERJEE,  
Secretary.